

REMARKS

The Office Action has withdrawn Claims 1-66 from consideration. In addition, the Office Action has objected to Claims 85-89. Moreover, it has rejected Claims 88, 89 and 96 under 35 USC § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Further, it has rejected Claims 68, 69, 71, 72, 80, 81 and 90-96 under 35 USC § 102 (a) as defining subject matter which allegedly anticipated by the teachings of WO 00/17102 of which Smalley et al are listed as inventors. Moreover, Claims 85-89 are rejected under 35 USC § 103 (a) as defining subject matter which is allegedly rendered obvious by the teaching in U.S. Patent No. 6,420,827 to Lee, et al. Finally, it has objected to Claims 70, 73-79 and 82-84, but has indicated that the subject matter therein is allowable if rewritten in independent form.

Applicants have amended the claims which when considered with the comments hereinbelow, is deemed to place the present case in condition for allowance, which action is earnestly solicited.

Applicants have cancelled Claims 1-66 and 90-95 without prejudice and have filed the subject matter therein in U.S. Serial No. 10/269,743, which is pending before the United States Patent and Trademark Office. In addition, applicants have cancelled Claims 68, 69, 71, 72, and 85-89 without prejudice. Applicants have not abandoned the subject matter therein and reserve the right to file a continuation application directed to the cancelled subject matter. In addition, applicants have amended the subject matter of Claims 70 and 73 by incorporating therein the subject matter of Claims 68, upon which they depend. In addition, Claims 76 and 78 have been amended by incorporating therein the subject matter of Claim 69.

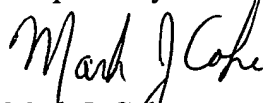
Finally, Claims 80 and 81 have been amended by changing the ultimate dependency to Claims 78 which has been allowed.

The cancellation of Claims 68, 69, 71, 72, and 85-96 have rendered the rejections thereof moot. The incorporation of the subject matter of Claim 78 which was considered allowable by the United States Patent and Trademark Office into Claims 80 and 81 renders the subject matter therein allowable. Thus, the rejection of Claims 80 and 81 under 35 USC § 102 (a) is overcome. Withdrawal thereof is respectfully requested.

Finally, inasmuch as the subject matter of Claim 68 was incorporated into Claims 70 and 75, making them independent claims and inasmuch as the subject matter of Claim 69 was incorporated into Claims 76 and 78, the subject matter of Claims 70 and 75, 76 and 78 has been rewritten in independent form, incorporating all of the subject matter of the independent claims upon which they depend. Thus, the subject matter therein is allowable. Moreover, since Claims 73-74, 77 and 79-84, are ultimately dependent upon an allowable claim, the aforementioned claims are also allowable.

Consequently, in view of the Amendment and the Remarks herein, it is respectfully submitted that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Mark J. Cohen
Registration No. 32,211

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza, Suite 300
Garden City, New York 11530
Telephone: (516) 742-4343
MJC:kd